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IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. CR. S-97-381 FCD
)	
Plaintiff,)	STIPULATION AND ORDER VACATING
)	STATUS CONFERENCE AND SETTING
v.)	SENTENCING EVIDENTIARY HEARING
)	
BRYAN JAMES EPIS,)	Date: October 23, 2006
)	Time: 9:30 p.m.
Defendant.)	Court: Hon. Frank C. Damrell
_____)	

Whereas, the Court previously ruled that defendant Bryan James Epis is disqualified from safety valve sentencing because his drug offense convictions involved violations of, inter alia, 21 U.S.C. § 860 and occurred within 1,000 feet of a school;

Whereas, there is currently a status conference set for October 23, 2006, to schedule an sentencing evidentiary hearing for the parties to present evidence on whether Epis would be otherwise qualified or disqualified from safety valve sentencing under 18 U.S.C. § 3353(f); and

Whereas, the United States represents that necessary prosecution witness United States Drug Enforcement Administration Special Agent Ronald Mancini suffered serious injuries as a result of a multiple rollover automobile accident. Agent Mancini has advised that he has had to relocate from the southwest to the east coast of the United States to obtain specialized treatment, including physical therapy up to three times per week, and that he is taking prescription medication that affects his ability to testify at this time. Agent Mancini anticipates that he will be

1 available to testify in January 2007.

2 It is hereby stipulated and agreed by the parties, through their respective attorneys, and
3 subject to the approval of the Court that:

4 1. The presently set October 23, 2006, at 9:30 a.m., status conference shall be
5 vacated;

6 2. The Court set a sentencing evidentiary hearing on January 26, 2007, at 9:30 a.m.,
7 for the parties to present evidence on whether Epis is otherwise qualified or disqualified from
8 safety valve sentencing under 18 U.S.C. § 3353(f);

9 3. The deadline for the United States' brief regarding Epis' safety valve debriefing
10 shall be extended to January 12, 2007.

11 Dated: October 18, 2006

McGREGOR W. SCOTT
United States Attorney

/s/ Samuel Wong

12 By: SAMUEL WONG
13 Assistant U.S. Attorney

14 /s/ Brenda Grantland

15 Dated: October 18, 2006

16 BRENDA GRANTLAND
17 Attorney for defendant
18 Bryan James Epis

19
20 ORDER

21
22 The Court having received, read, and considered the above stipulation of the parties, and
23 good cause appearing therefrom,

24 The Court hereby adopts the stipulation of the parties in its entirety as its order.

25 It is so ORDERED.

26
27 Dated: October 24, 2006

/s/ Frank C. Damrell, Jr.
FRANK C. DAMRELL, JR.
28 United States District Judge